

**ZONING BOARD OF ADJUSTMENT
REQUEST FOR REHEARING PACKET
MEETING: March 26, 2026 @ 4:30 pm**

Pursuant to RSA 677:2, the purpose of this meeting is solely to determine whether the request for rehearing demonstrates that the Zoning Board of Adjustment's prior decision may have been unlawful or unreasonable, or that relevant evidence was overlooked or newly discovered.

Included in the packet, you will find:

- **Written Request for Rehearing** – A copy of the written request submitted to the Town on February 28, 2026.
- **Review Checklist** – The checklist is intended to assist the Board in evaluating the request against the certified record and the statutory standard for rehearing.
- **Findings of Fact** – This document is used by the Board to record the reasoning and factual basis for its decision regarding the rehearing request. The applicant will receive a copy of the completed document.
- **Suggested Final Motion Language** – These are drafted motions that are given for convenience. The Board may modify the motion language as they see fit.
- **Notice of Decision** – This document records the Zoning Board of Adjustment's vote and decision regarding the request for rehearing and includes applicable appeal rights under RSA 677:4. The applicant will receive a copy of the completed document.

Board members are strongly encouraged to review the materials prior to the meeting.

At the March 26 meeting, the Board's role is limited to determining whether the request demonstrates grounds for rehearing under RSA 677:2.

If the Board determines that the request meets the statutory standard, the Board may grant a rehearing. If the Board determines that the standard has not been met, the request may be denied.

At this stage, the Board's review is limited to the rehearing request itself. The merits of the underlying appeal are reconsidered only if a rehearing is granted.



From The Desk of Gary C. Bergeron
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w. 603.888.4777

Hart's Location, New Hampshire 03812
gary@notchlandusa.com

FILE ORIGINAL

February 26, 2026

**Hand Delivered to Guy Putnam, ZBA Chair
&**

Sent by email to the Smallest Town

HAND DELIVERED TOWN CLERK 2/28/2026

TO:

Town of Harts Location
ZBA Board, Chair Guy Putnam
Members of the ZBA Board
Town Hall
Harts Location, NH 03812

RE: Public hearing at 5pm on Monday February 2nd, 2026 at the Hart's Location Town Hall, 979 US Route 302, Hart's Location, NH. The above referenced appeal hearing pertains to the zoning designation of Diana Dwyer-Bergeron's property located at 756 US Rt 302, Hart's Location, only. Please be advised that the sign permit for Parcel Number 04-082-000 and the Zoning designations for Parcel Number 04-082-000 & Parcel Number 04-085-000 in the Town of Hart's Location were orally withdrawn from the appeal process by Gary Bergeron, Authorized Agent for Diana Dwyer-Bergeron at the hearing. Gary Bergeron, handed each member of the ZBA a packet to take under advisement and requested each member of the ZBA to research the evidence in this APPEAL. To research the zoning ordinances and to get familiar with the background and history of the events leading to his appeal of the "Selectmen's Decision". Requesting that each member of the ZBA conduct their own investigation and summary findings before he presents the board with his oral arguments and the merits of his appeal. The second step, orally stated by Gary Bergeron, at the hearing, requested a second ZBA public hearing to present the oral merits of the case. Unfortunately and contrary to his requests, the ZBA as directed by the North Country Council Senior Planner, Liz Emmerson, guided the ZBA in ruling on her pre-written decision before the ZBA members had a chance to take the Summary Finding Outline under advisement and research the evidence and history in this appeal. She further advised the board on ruling on her pre-written decisions for the sign permit for Parcel Number 04-082-000 and the Zoning designations for Parcel Number 04-082-000 & Parcel Number 04-085-000 even though they were withdrawn by the applicant.

Continued

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Dear Mr Putnam, ZBA Chair & ZBA Board Members,

The NH ZBA appeal process is a "Constitutional Safety Valve" embodying the true spirit of relief as set forth by our forefathers to give aggrieved parties a platform of just relief from prejudice and discrimination, and as Authorized Agent for Diana Dwyer Bergeron, in the true spirit of relief we're requesting a new Public "Hearing and or Hearings" in the above reference APPEAL be granted by the ZBA. Also please strike the Written Notices of Decision by the ZBA on Monday, February 2nd, 2026 regarding this appeal.

Please be advised of the following:

- A NH ZBA appeal is a "Procedural Due Process" giving citizens the right to notice and the opportunity to be heard, *Richmond Co. v City of Concord*, 149 N.H. 312 (2003). The above referenced meeting was compromised and our rights to be heard were usurped. Resulting in a grave injustice. In the spirit of justice and findings of truth in the appeal process please grant a new public Hearing and or Hearings regarding the above referenced appeal of the selectmen's decision.

NH Statutory Due Process

- Notice to affected people, NH RSA 676:7, I(a)
- Opportunity to be heard at a public hearing to appear and speak, NH RSA 676:7, I & III
 - The applicant's written brief being 14 pages, oral arguments, and merits of his appeal were not reviewed or heard and due-diligence was not asserted by the board members due to quazi-judicial advice by a non-member of the NH Bar
- Decision by an impartial tribunal, NH RAS 673,14
 - The applicant appeal regarding the above referenced public hearing was not heard by an impartial tribunal
 - The "new" ZBA board exuded conflicts of interest including a selectman's wife and members asked to be dismissed by the applicant
- Deliberation based on evidence and facts, NH RSA 673: 14
 - The board's deliberation was not based on their deliberation of facts
 - The applicant written and oral presentation the facts were deliberately usurped
 - Their decisions were based on pre-written decisions and quazi-judicial advice by a non-member of the NH Bar

Thank you in advance and we trust that you will strike the written decisions of the February 2nd, 2026 public hearing and grant us a new public hearing or hearings to seek justice in this matter.

Respectfully submitted,

Gary C. Bergeron

Authorized Agent for Diana Dwyer Bergeron

ZONING BOARD OF ADJUSTMENT

Request for Rehearing Review Checklist (RSA 677:2)

Meeting: March 26, 2026

Request for Rehearing – ZBA Decision (February 2, 2026)

Request submitted by Gary Bergeron, Agent for Diana Dwyer-Bergeron (d/b/a Hope Mountain Realty Trust) seeking rehearing of the Zoning Board of Adjustment’s February 2, 2026 decision denying the appeal of the Selectboard’s decision regarding the requested zoning redesignation of properties identified as Tax Map 04, Lot 079 – 756 US Route 302; Tax Map 04, Lot 085 – 732 US Route 302 and Tax Map 04, Lot 082 – located between the above parcels.

Per NH RSA 677:2 the Zoning Board of Adjustment’s role at this meeting is limited to determining whether the request meets the statutory standard to grant a rehearing and not to re-argue or re-decide the merits of the appeal. A rehearing may be granted only if the request demonstrates that the Board’s prior decision may have been unlawful or unreasonable, or that material evidence was overlooked or newly discovered that could materially affect the outcome of the decision.

The Board’s review is limited to the written Request for Rehearing and the existing record of the February 2, 2026 hearing. The Board shall not reconsider the merits of the appeal unless a rehearing is granted and only at a duly noticed public hearing. The Board shall base their determination solely on the written request for rehearing and the existing record.

Procedural Findings	Yes	No
Was the Request for Rehearing submitted in writing?	<input type="checkbox"/>	<input type="checkbox"/>
Was the request filed within 30 days of the date the decision was filed with the Town Clerk?	<input type="checkbox"/>	<input type="checkbox"/>
Did the Board review the written Request for Rehearing and the record of the February 2, 2026 hearing?	<input type="checkbox"/>	<input type="checkbox"/>
The request identifies specific errors of law or fact in the Board’s February 2, 2026 decision.	<input type="checkbox"/>	<input type="checkbox"/>

Original ZBA Decision filed with the Town Clerk: _____

Date Request for Rehearing was received: _____

Procedural Finding:

FINDINGS REGARDING CLAIMS IN THE REQUEST

A. Claim that the Decision was Unlawful

Finding:

Board Determination:

- The request **does not demonstrate** that the decision was unlawful.
- The request **does demonstrate** that the decision may have been unlawful.

B. Claim that the Decision was Unreasonable

Finding:

Board Determination:

- The request **does not demonstrate** that the decision was unreasonable.
- The request **does demonstrate** that the decision may have been unreasonable.

C. Claim that Material Evidence Was Overlooked

Finding:

Board Determination:

- The request **does not identify material evidence that was overlooked.**
- The request **identifies material evidence that may have been overlooked.**

D. Claim of Newly Discovered Evidence

Finding:

Board Determination:

- The request **does not present newly discovered evidence.**
- The request **presents newly discovered evidence that could materially affect the outcome.**

FINAL FINDING

Based on the above findings:

- The Request for Rehearing meets the standard of RSA 677:2 and rehearing shall be granted.
- The Request for Rehearing does not meet the standard of RSA 677:2.

Supporting Findings:

Zoning Board of Adjustment Member



ZONING BOARD OF ADJUSTMENT FINDINGS OF FACT

In accordance with NH RSA 676:3

For: Request for Rehearing – ZBA Decision (February 2, 2026) Request submitted by Gary Bergeron, Agent for Diana Dwyer-Bergeron (d/b/a Hope Mountain Realty Trust) seeking rehearing of the Zoning Board of Adjustment's February 2, 2026 decision denying the appeal of the Selectboard's decision regarding the requested zoning redesignation of properties identified as Tax Map

04, Lot 079 – 756 US Route 302, Tax Map 04, Lot 085 – 732 US Route 302 and Tax Map 04, Lot 082 – located between the above parcels.

Request: A new public hearing to review the Selectboard's decision to deny a request of redesignating the above properties from residential to commercial.

Pursuant to RSA 677:2, the Board considered whether the request demonstrated that the prior decision was unlawful or unreasonable, that material evidence was overlooked or newly discovered evidence was presented that could materially affect the outcome.

FINDINGS OF FACT

1. The Zoning Board of Adjustment's original decision denying the appeal was issued February 2, 2026, and filed with the Town Clerk on February ____, 2026.
2. The Request for Rehearing was submitted in writing by Gary Bergeron, agent for the property owner, on March ____, 2026.
3. The Board reviewed the written Request for Rehearing and the record of the February 2, 2026, hearing.
4. The Request for Rehearing **[did / did not]** demonstrate that the Board's prior decision was unlawful or unreasonable.
5. The Request for Rehearing **[did / did not]** identify any material evidence that was overlooked by the Board during its original deliberations.
6. The Request for Rehearing **[did / did not]** present newly discovered evidence that would materially affect the outcome of the decision.

7. _____

8. _____

9. _____

****Attach Additional pages as needed****

Suggested Final Decision Motion Language

Suggested motion language is provided for administrative convenience only. The Board may modify the motion language as it deems appropriate based on its discussion and findings.

If the board decides **to grant rehearing**:

I move that the Zoning Board of Adjustment **grant the Request for Rehearing** because the request demonstrates that the Board's prior decision may have been unlawful or unreasonable or that material evidence may have been overlooked or newly discovered pursuant to RSA 677:2. A rehearing will be scheduled as a duly noticed public hearing.

If the board decides **to deny rehearing**:

I move that the Zoning Board of Adjustment **deny the Request for Rehearing** because the request does not demonstrate that the Board's February 2, 2026 decision was unlawful or unreasonable, nor does it identify material evidence that was overlooked or newly discovered that would materially affect the outcome pursuant to RSA 677:2.



ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION

For: Request for Rehearing – ZBA Decision (February 2, 2026) Request submitted by Gary Bergeron, Agent for Diana Dwyer-Bergeron (d/b/a Hope Mountain Realty Trust) seeking rehearing of the Zoning Board of Adjustment’s February 2, 2026 decision denying the appeal of the Selectboard’s decision regarding the requested zoning redesignation of properties identified as Tax Map

04, Lot 079 – 756 US Route 302, Tax Map 04, Lot 085 – 732 US Route 302 and Tax Map 04, Lot 082 – located between the above parcels.

On _____ after a duly noticed public meeting, the Zoning Board of
DATE
Adjustment voted _____ - _____ to _____ the Request for Rehearing finding
In Favor Against GRANT OR DENY
that the request:

- Did demonstrate that the decision may have been unlawful or unreasonable, or that material evidence was overlooked or newly discovered, and therefore rehearing is granted.
- Did not demonstrate that the February 2, 2026 decision was unlawful or unreasonable, nor that material evidence was overlooked or newly discovered.

Any person aggrieved by this decision may appeal to the Superior Court within 30 days of the date this decision is placed on file with the Town pursuant to RSA 677:4.

Zoning Board Chair or Acting Chair

Date of Decision